

**North Dakota Seclusion and Restraint Task Force**  
*"Keeping Everyone Safe in Our Schools"*  
**Meeting #1 – Thursday, April 28, 2016**  
**Draft Meeting Summary**

**Task Force Members Participating:** Carlotta McCleary (Mental Health America of ND and ND Federation of Families for Children’s Mental Health), Kirsten Dvorak (Pathfinder Parent Center and Protection & Advocacy for Individuals with Mental Illness Advisory Council), Lori Garnes (ND Center for Persons with Disabilities, Minot State University), Carl Young (Parent Representative), Vicki Peterson (Family Voices of ND), Peg Wagner (ND Department of Public Instruction), Nicole Peske (The Arc of ND), Stacie Dailey/Pam Sagness (ND Department of Human Services), Teresa Larsen (ND Protection & Advocacy Project), Stuart Savelkoul/Patty Barette (ND United), John Porter (Special Education Directors Study Council), Jennifer Fremstad (ND Association of Secondary School Principals), Doug Sullivan (ND Association of School Administrators), Tamara Waters- Wheeler (ND Association of School Psychologists), Mary Schultz (ND Parent Teachers Association), Jason Stugelmeyer (Bismarck Police Youth Bureau SRO), Virginia Long Feather (Principal, Standing Rock Elementary), Kyle Davison (ND State Senator, ND Regional Education Associations), Joan Heckaman (ND State Senator), Linda Greenwood (Teacher), and Mark Doerner (ND Psychological Association).

**Task Force Members Unable to Attend:** Roxane Romanick (Designer Genes), Jaylia Prussing (University of Mary), Aimee Copas (ND Council of Educational Leaders), Tracy Klein (Special Education Directors Study Council), Debra Follman (ND Association of Elementary School Principals), Dotti Dixon (ND School Counselors Association), Robyn Lang (ND School Counselors Association Board Member), Cory Pederson (ND Juvenile Court), Don Two Bears (Director of Security, Standing Rock Schools), Bradley LaRoque (Director of Career and Tech Education, Turtle Mountain Community High School), Rosalie Etherington (ND State Hospital Superintendent), Kris Wallman (ND State Representative), and Kathy Blohm (Chambers and Blohm Psychological Services).

**Facilitated by:** The Consensus Council, Inc.

**Welcome, Introductions and Meeting Overview:** The facilitator, Paul Griffin, welcomed all stakeholders to the 1<sup>st</sup> meeting of the Task Force and thanked them for their interest in this shared work. He shared background information about the Consensus Council, provided a framework for the role of a facilitator, and asked stakeholders to make self-introductions. As Task Force members introduced themselves and provided information about their work and/or constituency, the following common threads emerged:

- Participants have a focus on children, in whatever work they do or whatever role(s) they play
- Many participants have personal, direct experience as parents
- The Task Force has a broad and diverse representation
- Safety for all – children, teachers, classrooms – is a shared focus
- There is a high level of care and concern expressed
- There is a need to speak using the same vocabulary and definitions

The facilitator reviewed the consensus-based decision-making process and offered the following proposed ground rules for discussion:

1. It's your show.
2. Everyone is equal.
3. No relevant topic is excluded.
4. No discussion is ended.
5. Respect opinions.
6. Respect the time.
7. Silence is agreement.
8. Non-attribution.
9. Keep the facilitators accurate.
10. Have fun!

Stakeholders agreed to proceed with the rule of consensus and the ground rules, and then reviewed the draft agenda, making no recommendations for initial changes. The facilitator also noted that meeting materials and information of interest would soon be made readily available on the Consensus Council website: <http://agree.org/seclusion-and-restraint-task-force/>

The facilitator invited discussion about the proposed "shared values" as drafted by the co-conveners:

- Collaborative and Integrated Stakeholder Participation
- Safety-Based - "Keeping Everyone Safe in Our Schools"
- Student-Focused
- Best-Practices-Based
- Uniform Implementation and Monitoring
- Adequate Resources

There was discussion relative to "uniform implementation and monitoring" including the following:

- Definitions are/should be consistent across all school districts in the state and, at some point, we need to discuss definitions that we might propose to the interim committee
- Minimum Standards are something on which we should all agree, all be on the same page
- What is the consequence if an educator deviates from policy?
- Procedures, Definitions, Policies – we might have very different views of what these, and other, terms mean
- It's important to keep in mind that school district employees cannot always fall back on best practices because of emergencies or highly volatile situations
- Much of what we might recommend will require more/adequate resources
- How much might we adding to the ND Century Code?
- How are our recommendations, if they are turned into law, going to interact with individual IEPs and other behavior programs?
- We need to find common ground, not necessarily prescriptive, set consistent guidelines for assisting educators in dealing with issues, and based on a set of factors that allow the different educators formulate unique plans

There was brief discussion regarding the time commitment and schedule of Task Force Meetings (April through October, except in June). There might be a need to alter meeting dates in August and September, based on school schedules for the fall. This issue will be included for discussion on the agenda for the May 26 meeting.

**Media:** There was a question regarding the role, if any, of the media in the convening and ongoing work of the Task Force. It was noted that a media conference was scheduled as part of the kick-off meeting today. It was also noted that there is interest by many people in this issue, making it newsworthy for the general public. There was recognition that the Task Force wants to work in a transparent fashion, while not stifling candid discussion about personal or professional experiences. It was agreed that the role of the Task Force is not to judge others but to demonstrate respect for all, with a focus on building shared solutions to difficult issues.

**History, Background and Purpose of the Task Force:** The facilitator provided background information regarding the formation of the Task Force and recognized the co-conveners: ND Protection & Advocacy Project (P & A), ND Center for Persons with Disabilities (NDCPD) at Minot State University, ND United, ND Department of Public Instruction (DPI), and the ND Council of Educational Leaders (NDCEL). He also noted the group structure and the role/responsibilities of the Task Force as well as the Planning/Writing Team. Additional foundational information included:

- Proposed Purpose, Goal, and Values of the Task Force
- Timelines for the Work of the Task Force
- Stakeholder Roles and Responsibilities
- Documentation and Website from the Consensus Council, Inc.

**Review of the Legislative Interim Committee Work on Seclusion & Restraint:** ND Senator and Interim Education Committee Designee, Joan Heckaman, reviewed information about the work of the Interim committee. She noted that the committee has not yet scheduled their next meeting. She noted that, while the Interim Committee did not specifically convene the Task Force, any Task Force recommendations could be considered by them.

**Editors Note:** Since adjournment of the April 28 Seclusion & Restraint Task Force meeting, Senator Don Schaible has called a meeting of the Education Committee for Thursday, May 19 beginning at 10:00 a.m. in the Roughrider Room of the Capitol:

(<http://www.legis.nd.gov/assembly/64-2015/interim/17-5119-01000-meeting-notice.pdf>)

**Presentation and Discussion:** Daniel Gugala, EVP of Operations and General Counsel from the Crisis Prevention Institute (CPI) provided a presentation titled “Seclusion and Restraint 101: The Bigger Picture.” Of note is that this presentation is similar to that which he presented for the interim Education Committee in February 2016. The presentation can be found at the Consensus Council website: <http://agree.org/seclusion-and-restraint-task-force/> and more information about CPI can be found at <http://www.crisisprevention.com>.

**Group Exercise:** Task Force members were divided into smaller groups and assigned the tasks of selecting a recorder and a reporter, identifying the “top 3” priorities for the work of the Task Force, and at least one major challenge that is faced in this work. Each of the four smaller groups provided a report-out as follows:

**Group #1:**

Priorities:

1. Well informed (research, best practices)
2. Student-focused (safe learning environment)
3. Clarity in definitions

Greatest Challenge:

- Overly burdensome on schools

**Group #2:**

Priorities:

1. Defining key vocabulary (seclusion, restraint)
2. Identify and provide resources
3. Data collection (reporting [site/district] and responsibility [school/state agency])

Greatest Challenge:

- Identifying and providing resources

**Group #3:**

Priorities:

1. Establishment of guidelines/definitions/clarifications on seclusion, restraint, “good” behavior plans, etc.
2. Define roles, trainings, protocols, etc. both inside and outside of schools (staff, parents, police)
3. Define the minimum policy that schools should have, including data collection and training

Greatest Challenge:

- Common definitions

**Group #4:**

Priorities:

1. Uniform definitions of restraint and seclusion for inclusion in guidelines
2. Establish minimum standards for seclusion and restraint under the administration of DPI
3. Clarify the infrastructure, locate the guidance, local operationalization

**Stakeholder Perspectives:** As part of the process of listening to the stakeholders at the Task Force table, the following inventories were created to guide the work into the future.

**Words/Terms Needing Definition**

- Seclusion
- Restraint (physical, mechanical, chemical)
- Access (to staff, resources, technology, etc.)

- Emergency
- Time out
- Punishment
- Quiet room, safe room, seclusion room
- 504 Plan, IEP, BIP, FBA, RTI, PBIS
- Injurious behavior
- Safety
- Imminent
- Documentation
- Notification
- State law, policy, guideline, recommendation
- Parent/guardian
- Crisis
- Support staff
- Intervention
- Best practices, evidence-based practices
- Discipline
- Serious harm, risk of harm
- Restrict, inhibit
- Escort
- Alternative placement
- Least restrictive environment
- Student, teacher
- High risk restraint
- Consultation
- Communication
- Reasonable force, unreasonable force
- Adverse intervention
- Report, reportable
- Confidentiality

**General/Other Definitions or Clarity Needed:**

- To who does the Task Force work apply/who is the audience for our shared work? Legislators only? Others?
- Who do you include in individual (student) plans?
- How do we maintain confidentiality?

**Who are missing stakeholders, if any, that should be invited to the Task Force table?**

- Youth (noting that some might need to participate through the presence of their parents or others)
- School support staff (aides, janitors, cooks, bus drivers, etc.)
- More classroom teachers

- The ND School Boards Association (**Editors Note: The NDSBA was invited to participate but declined due to time and workload commitments**). The facilitators were asked to reissue the invitation, if not for ongoing Task Force participation, then for a presentation on their model policy recommendations.

**If we agreed upon a policy/standards and a reporting process, what would/should be reported?**

- Use of seclusion and restraint (date, time, type, duration, reason)
- Previous intervention(s)
- Consequences
- How does Power School intersect? Is it a way of using a tool to which we are already accustomed, to gather such data?

**If we agreed upon a policy/standards, to whom would we report?**

- ND Legislature
- Schools, School Districts
- Parents
- Department of Public Instruction (DPI), Department of Human Services (DHS)
- Governing, oversight committee

**Why would we report?**

- To make sound policy decisions
- To justify use of/need for resources
- To identify need for outside resources
- To assure adequate funding
- To identify patterns, trends (and learn from them, act on them)
- To evaluate and assess IEP's, etc.
- To inform future interventions
- To identify best practices and resources
- To assess training needs
- To organize the data, consolidate
- To summarize incidence and prevalence of the use of seclusion and restraint

**Moving Forward - What Must We Do to Be Successful?** Task Force members identified several areas for learning and exploration for subsequent meeting(s) that include:

**Key Concepts**

- Review of existing definitions (Developmental disabilities, residential treatment facilities, etc.)
- Review of model policies from the ND School Boards Association
- Review of past/current state legislation impacting seclusion and restraint
- Review of available data sources showing successes and challenges
- Presentations from school district that has implemented policies
- Review of policy information prepared/provided by CPI (including model policies and substantive similarities or differences from state-to-state)

- Consult the Western States Education Commission for research, recommendations

**Additional Volunteers for the Planning/Writing Team:** Three members of the Task Force volunteered to join the Planning/Writing Team whose role is to meet between Task Force meetings to draft documents, address requests, and arrange for educational presentations. Volunteers are:

- Carlotta McCleary
- Mark Doerner
- Carl Young

**Next Steps:** The next meeting of the ND Seclusion and Restraint Task Force: *Keeping Everyone Safe in Our Schools* will be Thursday, May 26, 2016 at Great River Energy in Bismarck (same location as meeting #1) from 9:00 – 4:00 CT. The Writing/Planning Team will meet Tuesday, May 3 to begin agenda planning. The agenda and any related or requested support documents will be sent to all Task Force members as soon as they are prepared.

**Adjourn and Public Comment:** The meeting was adjourned with thanks to all for their participation and commitment to this important work for North Dakota. The facilitator opened the meeting for public comment. None was given.